



भारत का राजपत्र The Gazette of India

प्रसाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 32] नई दिल्ली, शुक्रवार, अगस्त 10, 1990/श्रावण 19, 1912
No. 32] NEW DELHI, FRIDAY, AUGUST 10, 1990/SRAVANA 19, 1912

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि वह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the
10th August, 1990:—

BILL No. LI OF 1990

*A Bill to declare the Indian Council of World Affairs to be an institution of
national importance and to provide for its incorporation and matters
connected therewith.*

Be it enacted by Parliament in the Forty-first Year of the Republic
of India as follows:—

1. (1) This Act may be called the Indian Council of World Affairs
Act, 1990.

Short title
and com-
mence-
ment.

(2) It shall be deemed to have come into force on the 30th day of
June, 1990.

2. Whereas the objects of the Indian Council of World Affairs, a society
registered under the Societies Registration Act, 1860 are such as to make
the institution one of national importance, it is hereby declared that the
institution, known as the Indian Council of World Affairs, is an institution
of national importance.

Declara-
tion of
the Indian
Council of
World
Affairs as
institution
of national
import-
ance.

Definitions.

3. In this Act, unless the context otherwise requires,—

(a) "appointed day" means the date of commencement of this Act;

(b) "Chairperson" means the Chairperson of the Governing Body;

(c) "Council" means the Indian Council of World Affairs, incorporated under section 4;

(d) "Director" means the Director of the Council;

(e) "existing Council" means the Indian Council of World Affairs, a society registered under the Societies Registration Act, 1860 and functioning as such immediately before the appointed day;

21 of 1860.

(f) "Fund" means the Fund of the Council referred to in section 17;

(g) "Governing Body" means the Governing Body of the Council;

(h) "member" means a member of the Council and includes the President and Vice-President;

(i) "President" means the President of the Council;

(j) "regulations" means regulations made under this Act;

(k) "rules" means rules made under this Act;

(l) "Vice-President" means the Vice-President of the Council.

Incorporation of the Council.

4. (1) The Indian Council of World Affairs is hereby constituted a body corporate by the name of the Indian Council of World Affairs and as such body corporate it shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by that name sue and be sued.

(2) The head office of the Council shall be at Delhi and the Council may, with the previous approval of the Central Government, establish branches at other places in India.

Transfer of assets and liabilities of the existing Council to the Council.

5. (1) On and from the appointed day,—

(a) all properties and other assets vested in the existing Council immediately before that day, shall vest in the Council;

(b) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the existing Council immediately before that day for or in connection with the purposes of the existing Council, shall be deemed to have been incurred, entered into and engaged to be done by, with or for the Council;

(c) all sums of money due to the existing Council, immediately before that day, shall be deemed to be due to the Council;

(d) all suits and other legal proceedings instituted or which could have been instituted by or against the existing Council, immediately before that day, may be continued or instituted by or against the Council; and

(e) every employee holding any office under the existing Council immediately before that day, shall, on that day, hold his office or service under the Council with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting; and shall continue to do so unless and until his employment under the Council is duly terminated or until his remuneration and other conditions of service are duly altered by the Council.

14 of 1947. (2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force, the absorption of any employee by the Council in its regular service under this section shall not entitle such employee to any compensation under that Act or any other law and no such claim shall be entertained by any court, tribunal or other authority.

6. (1) The Council shall consist of the following members, namely:—

Composition of the Council.

(a) the Minister for External Affairs of the Central Government who shall be the President *ex officio*;

(b) the Director, *ex officio*;

(c) four members to be nominated by the Central Government who are distinguished in the field of diplomacy;

(d) nine members to be nominated by the Central Government from amongst experts in the fields of diplomatic history, international affairs, international law and organisation, global economics, strategic studies and social sciences;

(e) four members to be nominated by the Central Government who are eminent in public life;

(f) two members to be nominated by the Central Government from amongst the Vice-Chancellors of Universities;

(g) two members to be nominated by the Central Government from amongst eminent media persons;

(h) four Members of Parliament of whom two each from the House of the People and the Council of States to be nominated by the Speaker of the House of the People and the Chairman of the Council of States respectively;

(i) four members to be nominated by the Central Government to represent respectively the ministries of the Central Government dealing with Education, External Affairs, Finance and Science and Technology, *ex officio*.

(2) It is hereby declared that the office of the member of the Council shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

(3) A person shall be disqualified for being nominated as a member if he—

(a) has been convicted and sentenced to imprisonment for an offence, which, in the opinion of the Central Government, involves moral turpitude; or

(b) is an undischarged insolvent; or

(c) is of unsound mind and stands so declared by a competent court.

Term of
office and
vacancies
among
members.

7. (1) Save as otherwise provided in this section, the term of office of a member shall be three years from the date of his nomination.

(2) The term of office of an *ex officio* member shall continue so long as he holds the office by virtue of which he is such a member.

(3) The term of office of a member nominated to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he is nominated.

(4) A member, other than a member nominated under clause (h) of sub-section (1) of section 6, shall, unless the Central Government otherwise directs, continue in office until another person is nominated as a member in his place.

(5) The Central Government shall remove a member if he—

(a) becomes subject to any of the disqualifications mentioned in sub-section (3) of section 6; or

(b) refuses to act or becomes incapable of acting; or

(c) is, without obtaining leave of absence from the Council, absent from three consecutive meetings of the Council; or

(d) in the opinion of the Central Government, has so abused his position as to render his continuance in office detrimental to the public interest:

Provided that no member shall be removed under this clause unless he has been given a reasonable opportunity of being heard in the matter.

(6) A member shall, unless disqualified under sub-section (3) of section 6, be eligible for re-nomination.

(7) A member, other than an *ex officio* member, may, resign his office by writing under his hand addressed to the Central Government but shall continue in his office until his resignation is accepted by that Government.

(8) The manner of filling vacancies among members shall be such as may be prescribed by rules.

Powers
and func-
tions of
President.

8. The President shall exercise such powers and discharge such functions as are laid down in this Act or as may be prescribed by rules.

Office of
Vice-
President.

9. (1) There shall be a Vice-President who shall be elected by the Council from amongst the members.

(2) The Vice-President shall exercise such of the powers and perform such of the functions of the President as may be prescribed by rules or as may be delegated to him by the President.

10. Members, other than an *ex officio* member, shall receive such allowances, if any, from the Council as may be prescribed by rules.

Allowances of members.

11. The Council shall hold its first meeting at such time and place as may be appointed by the Central Government and shall observe such rules of procedure in regard to the transaction of business at the first meeting as may be laid down by the Government; and thereafter the Council shall meet at such times and places and observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by regulations.

Meetings of Council.

12. The objects of the Council shall be—

Objects of Council.

(a) to promote the study of Indian and international affairs so as to develop a body of informed opinion on international matters;

(b) to promote India's relations with other countries through study, research, discussion, lectures, exchange of ideas and information with other organisations within and outside India engaged in similar activities;

(c) to serve as a clearing house of information and knowledge regarding world affairs;

(d) to publish books, periodicals, journals, reviews, papers, pamphlets and other literature on subjects covered under clauses (a) and (b);

(e) to establish contacts with organisations promoting objects mentioned in this section;

(f) to arrange conferences and seminars to discuss and study the Indian policy towards international affairs; and

(g) to undertake such other activities for the promotion of ideas and attainment of the above-mentioned objects.

13. (1) There shall be a Governing Body which shall be constituted by the Council from amongst the members in such manner as may be prescribed by regulations.

Governing Body and other Committees of Council.

(2) The Governing Body shall be the executive committee of the Council and shall exercise such powers and discharge such functions as the Council may, by regulations made in this behalf, confer or impose upon it.

(3) The President shall be the Chairperson and as Chairperson shall exercise such powers and discharge such functions as may be prescribed by regulations.

(4) The procedure to be followed by the Governing Body in the exercise of its powers and discharge of its functions and the term of office of, and the manner of filling vacancies among the members of, the Governing Body, shall be such as may be prescribed by regulations.

(5) Subject to such control and restrictions as may be prescribed by rules, the Council may constitute as many standing committees and as

many *ad hoc* committees as it thinks fit for exercising any power or discharging any function of the Council or for inquiring into, or reporting or advising upon, any matter which the Council may refer to them.

(6) The Chairperson and members of the Governing Body or a standing committee or an *ad hoc* committee shall receive such allowances as may be prescribed by regulations.

Staff of
Council.

14. (1) There shall be a chief executive officer of the Council who shall be designated as the Director and shall be appointed by the Council:

Provided that the first Director shall be appointed by the Central Government on such terms and conditions as it thinks fit.

(2) The Director shall act as the Secretary to the Council as well as to the Governing Body.

(3) The Director shall exercise such powers and discharge such functions as may be prescribed by regulations or as may be delegated to him by the Council or the President or the Governing Body or the Chairperson.

(4) Subject to such rules as may be made in this behalf, the Council may appoint such number of other officers and employees as may be necessary for the exercise of its powers and efficient discharge of its functions and may determine the designations and grades of such other officers and employees.

(5) Subject to such rules as may be made in this behalf, the Director and other officers and employees of the Council shall be entitled to such salary and allowances and shall be governed by such conditions of service in respect of leave, pension, gratuity, provident fund and other matters, as may be prescribed by regulations made in this behalf.

Func-
tions of
Council.

15. The Council shall undertake various plans to promote, organise and implement various programmes for efficiently achieving the objects of the Council specified in section 12 and shall also perform such other functions as the Central Government may, by rules, prescribe.

Payment
to
Council.

16. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Council in each financial year such sums as may be considered necessary for the exercise of powers and efficient discharge of functions of the Council under this Act.

Fund of
Council

17. (1) The Council shall maintain a Fund to which shall be credited—

(a) all moneys received from the Central Government;

(b) all moneys received by the Council by way of grants, gifts, donations, benefactions, bequests or transfers; and

(c) all moneys received by the Council in any other manner or from any other source.

(2) All moneys credited to the Fund shall be deposited in such banks or invested in such manner as the Council may, subject to the approval of the Central Government, decide.

(3) The Fund shall be applied towards meeting the administrative and other expenses of the Council, including expenses incurred in the exercise of its powers and discharge of its functions under section 15 or in relation to any of the activities referred to therein or for anything relatable thereto.

18. The Council shall prepare, in such form and at such time every year, as may be prescribed by rules, a budget in respect of the financial year next ensuing, showing the estimated receipts and expenditure of the Council and shall forward to the Central Government such number of copies thereof as may be prescribed by rules.

Budget
of
Council.

19. (1) The Council shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as the Central Government may, by rules, prescribe and in accordance with such general direction as may be issued by that Government, in consultation with the Comptroller and Auditor-General of India.

Accounts
and
audit.

(2) The accounts of the Council shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Council to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Council shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office or offices of the Council.

(4) The accounts of the Council as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

20. The Council shall prepare every year, in such form and at such time as may be prescribed by rules, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

Annual
report.

21. All orders and decisions of the Council shall be authenticated by the signature of the President or the Vice-President and all other instruments issued by the Council shall be authenticated by the signature of the Director or any other officer of the Council authorised by the Council in this behalf.

Authen-
tication
of orders
and
instru-
ments of
Council.

Vacancy,
etc., not
to invali-
date
proceed-
ings of
the
Council,
etc.

22. No act or proceeding of the Council, Governing Body or any standing or *ad hoc* committee under this Act shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Council; or

(b) any defect in the appointment of a person acting as a member of the Council; or

(c) any irregularity in the procedure of the Council not affecting the merits of the case.

Reports,
returns
and
informa-
tion.

23. The Council shall furnish to the Central Government such reports, returns and other information as that Government may require from time to time.

Power to
make
rules.

24. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner of filling vacancies among members under sub-section (8) of section 7;

(b) the powers and functions to be exercised and discharged by the President and the Vice-President under section 8 and sub-section (2) of section 9 respectively;

(c) the allowances to be paid to the members under section 10;

(d) the control and restrictions in relation to the constitution of standing and *ad hoc* committees under sub-section (5) of section 13;

(e) the number of other officers and employees that may be appointed by the Council and the manner of such appointment under sub-section (4) of section 14;

(f) the other functions that may be performed by the Council under section 15;

(g) the form in which, and the time at which, the budget shall be prepared by the Council and the number of copies thereof to be forwarded to the Central Government under section 18;

(h) the form in which an annual statement of accounts including the balance-sheet shall be prepared by the Council under sub-section (1) of section 19;

(i) the form in which and the time at which the report of the activities of the Council shall be submitted to the Central Government under section 20;

(j) any other matter which has to be or may be prescribed by rules.

25. (1) The Council may, with the previous approval of the Central Government, make regulations consistent with the provisions of this Act and the rules to carry out the provisions of this Act.

Power to make regulations.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the summoning and holding of meetings, other than the first meeting, of the Council, the time and place where such meetings are to be held and the transaction of business at such meetings under section 11;

(b) the manner of constituting the Governing Body and standing and *ad hoc* committees under section 13;

(c) the powers and functions to be exercised and discharged by the Governing Body and the Chairperson under sub-sections (2) and (3) of section 13;

(d) the procedure to be followed by the Governing Body in exercise of its powers and discharge of its functions and the term of office of, and the manner of filling vacancies among, the members of the Governing Body under sub-section (4) of section 13;

(e) the allowances to be paid to the members of the standing and *ad hoc* committees under sub-section (6) of section 13;

(f) the powers and functions to be exercised and discharged by the Director under sub-section (3) of section 14;

(g) the salaries and allowances and other conditions of service of the Director and other officers and employees of the Council under sub-section (5) of section 14;

(h) any other matter which has to be or may be prescribed by regulations.

(3) Notwithstanding anything contained in sub-section (1), the first regulations under this Act shall be made by the Central Government and any regulations so made may be altered or rescinded by the Council in exercise of its powers under sub-section (1).

26. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Rules and regulations to be laid before Parliament.

27. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Repeal
and
saving.

28. (1) The Indian Council of World Affairs Ordinance, 1990, is hereby repealed.

Ord. 2
of 1990.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

The Indian Council of World Affairs was established in Delhi in 1943 as a Society registered under the Societies Registration Act with the object of promoting Indian and international affairs and India's relations with other countries.

2. The Council developed as a prestigious institution providing facilities for study and research on world affairs. The Council also gained international reputation and became a forum for Indian and foreign dignitaries to address on important foreign policy issues. Since the last several years the Council began suffering with a decline in its programme activities and encountered both financial and management problems. The declining reputation of the Council drew complaints from various quarters and there was frequent adverse publicity of the Council's image in the press. The management problems appeared to be due to the rules governing selection of office bearers as well as shortage of funds to provide for the maintenance and enlargement of the valuable Library built up by the Council since its inception.

3. During the last few years the Council's problems have been carefully considered by the Government and it was felt that the complexity of the managerial and financial problems were such that further financial support alone would not be able to help the Council in serving the objects which it had set before itself.

4. In order to check further deterioration of this important institution which has been a distinguished forum of public opinion on Indian and world affairs and to provide for its revitalisation, the Indian Council of World Affairs Ordinance, 1990 (2 of 1990) was promulgated by the President on the 30th June, 1990. The Ordinance, *inter alia*, provides for a declaration of the Indian Council of World Affairs as an institution of national importance, its incorporation, a broad based composition and provision for financial assistance to the Council.

5. The Bill seeks to replace the above mentioned Ordinance.

I. K. GUJRAL.

FINANCIAL MEMORANDUM

Clause 16 of the Bill enables the Central Government to pay, after due appropriation to the Council in each financial year such sums as may be considered necessary for the Council to fulfil its approved programmes and for the due discharge of its functions.

2. It is estimated that an expenditure of rupees five lakhs may be necessary as non-recurring expenditure at the time of the incorporation of the Council. The recurring expenditure by way of payment to the Council for the financial year 1990-91 is estimated at rupees ten lakhs. It is not possible at this stage to estimate the recurring expenditure for the subsequent financial years. However, both recurring and non-recurring expenditure will be met out of the budgetary allocations of the Ministry of External Affairs.

3. The provisions of the Bill do not involve any other expenditure of recurring or non-recurring nature.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 24 of the Bill empowers the Central Government to make rules by notification in the Official Gazette to carry out the provisions of the Act. The matters in respect of which such rules may be made are specified therein. These matters relate, *inter alia*, to the manner of filling vacancies among members of the Council, the powers and functions to be exercised and discharged by the President and the Vice-President, the control and restrictions in relation to the constitution of standing and *ad hoc* committees, etc.

2. Clause 25 of the Bill empowers the Council to make, with the previous approval of the Central Government regulations consistent with the provision of the Act and the rules made thereunder. The matters in respect of which such regulations may be made are specified therein. These matters relate, *inter alia*, to the procedure for conducting business at meetings other than the first meeting of the Council, the manner of constituting the Governing Body and standing and *ad hoc* committees, powers and functions of the Governing Body and the Chairperson thereof, etc.

3. The matters in respect of which rules and regulations may be made are matters of administrative details and procedure and, as such, the delegation of legislative power is of a normal character.

*Memorandum Indicating the Modifications Contained in the Bill to
replace the Indian Council of World Affairs Ordinance, 1990*

Minor verbal alterations of a drafting nature have been made in clauses 3, 9, 13, 14, 21, 23, 24 and 25 of the Bill so as to make the intention clear.

SUDARSHAN AGARWAL,
Secretary-General.